

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

CHERYLANDA LEE ANNE GARDNER

Debtor

Chapter 13

Case No. 18-10379-BFK

MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Pursuant to 11 U.S.C. §1307(c)(6) - Material default by Debtor as is reflected in the attached Trustee's Report of Receipts and Disbursements. Trustee has previously filed a Motion to Dismiss for material default in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Notice and Motion to Dismiss

Cherylanda Lee Anne Gardner, Case #18-10379-BFK

Attend the hearing to be held on July 16, 2020 at 1:30 p.m. in Courtroom #1 on the 2nd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: June 12, 2020

/s/ Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of June, 2020, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

Cherylanda Lee Anne Gardner
Chapter 13 Debtor
56 Sanctuary Lane
Stafford, VA 22554

John C. Morgan, Jr., Esquire
Attorney for Debtor
New Day Legal, PLLC
98 Alexandria Pike, Ste. 10
Warrenton, VA 20186

/s/ Thomas P. Gorman
Thomas P. Gorman

INTERIM STATEMENT AS OF 06/12/2020

CASE NO: 18-10379-BFK

STATUS: ACTIVE

DEBTOR: XXX-XX-3033

GARDNER, CHERYLANDA LEE ANNE

AKA: CHERRI GARDNER

DATE FILED: 02/02/2018

56 SANCTUARY LANE

CONFIRMED: 06/01/2018

STAFFORD, VA 22554

LATEST 341: 03/13/2018

PERCENTAGE: 100.000

ATTORNEY: JOHN C. MORGAN, JR., ESQUIRE

PLAN: 60 MONTHS

NEW DAY LEGAL, PLLC

98 ALEXANDRIA PIKE, STE. 10

WARRENTON, VA 20186

1st PAYMENT DUE: 03/2018

Phone: 540 349-3232 Fax: 888 612-0943

ON SCHEDULE: 20,034.00

ACTUAL PAYMENTS: 16,788.04

AMOUNT BEHIND: 3,245.96

SCHEDULE: 814.00 MONTHLY

TOTAL PAID: 16,788.04

LAST 12 TRANSACTIONS

Date	Source	Amount
02/04/20	CC	1,628.00
12/03/19	CC	1,628.00
10/29/19	CC	814.00
09/04/19	MO	814.00
08/20/19	CC	814.00
07/08/19	CC	814.00
06/05/19	MO	814.00
05/06/19	CC	814.00
04/01/19	CC	810.00
03/13/19	CC	810.00
02/19/19	MO	840.00
01/28/19	MTG ESCROW RFND	4.04
01/22/19	CC	810.00
12/27/18	CC	1,620.00

DIRECT PAY

CLAIM	CRED NO	CREDITOR NAME	DISB CODE	CLASS	ARREARS	FIXED PAYMENT	SCHED AMOUNT	PAID BY TRUSTEE	BALANCE DUE	CLAIM STATUS
003	313723	LOAN MAX	PRO	SEC	0.00	0.00	0.00	0.00	0.00	DIRECT

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME	DISB CODE	CLASS	INT. BEGIN	FIX PAY	ORG. CLAIM	APPROVED	PRIN. PAID	PRIN. DUE
		CLAIM REMARK	LAST DISB	PAY%	INT. RATE	ARREARS	SCHED AMT	TO BE PAID	INT. PAID	INT. DUE
001	347047	STAFFORD COUNTY TREASURER	PRO	PRI		0.00	4,436.24	258.98	0.00	258.98
				100.00		0.00	115.00	258.98	0.00	0.00
001	284305	STAFFORD COUNTY GOVERNMENT	FIX	SEC		70.00	4,177.26	4,177.26	0.00	0.00
		Split Claim		100.00		0.00	0.00	0.00	0.00	0.00
002	348409	M&T BANK	FIX	SEC		868.07	21,701.58	21,701.58	12,217.94	9,483.64
			02/2020	100.00		8,615.57	21,701.58	21,701.58	0.00	0.00
004	327080	SELECT PORTFOLIO SERVICING, INC	PRO-I	UNS		0.00	222,145.63	0.00	0.00	Closed
		TBS		100.00		0.00	0.00	0.00	0.00	
005	323976	CAPITAL ONE BANK USA, NA	PRO	UNS		0.00	1,105.78	1,105.78	0.00	1,105.78
				100.00		0.00	1,105.00	1,105.78	0.00	0.00
006	335280	CAVALRY PORTFOLIO SERVICES	PRO	UNS		0.00	3,238.24	3,238.24	0.00	3,238.24
				100.00		0.00	3,238.24	3,238.24	0.00	0.00
007	345813	CITIBANK	PRO	UNS		0.00	0.00	0.00	0.00	Not Filed
				100.00		0.00	26,445.00	0.00	0.00	
008	340486	NAVIENT	PRO	UNS		0.00	0.00	0.00	0.00	Not Filed
				100.00		0.00	870.00	0.00	0.00	
008A	340486	NAVIENT	PRO	UNS		0.00	0.00	0.00	0.00	Not Filed
				100.00		0.00	829.00	0.00	0.00	
009	345962	VERIZON	PRO	UNS		0.00	0.00	0.00	0.00	Not Filed
				100.00		0.00	433.00	0.00	0.00	

** Creditor has not filed a Proof of Claim. Accumulated funds will be released to other creditors if no claim is filed with the U.S. Bankruptcy Court by the date of the scheduled Chapter 13 Review Meeting.

Claims with an A code in the DISB/CODE column are placed on hold and need to be resolved. NO disbursements are being made to the creditor.

This is a progress report only and should not be used to calculate a payoff.

Case Power® 12.5

INTERIM STATEMENT AS OF 06/12/2020

CASE NO: 18-10379-BFK

STATUS: ACTIVE

DEBTOR: XXX-XX-3033

GARDNER, CHERYLANDA LEE ANNE

SCHEDULE: 814.00 MONTHLY

PLAN AND FILED CLAIMS

<u>CLAIM NO</u>	<u>CRED NO</u>	<u>CREDITOR NAME</u> <u>CLAIM REMARK</u>	<u>DISB CODE</u> <u>LAST DISB</u>	<u>CLASS</u> <u>PAY%</u>	<u>INT. BEGIN</u> <u>INT. RATE</u>	<u>FIX PAY</u> <u>ARREARS</u>	<u>ORG. CLAIM</u> <u>SCHED AMT</u>	<u>APPROVED</u> <u>TO BE PAID</u>	<u>PRIN. PAID</u> <u>INT. PAID</u>	<u>PRIN. DUE</u> <u>INT. DUE</u>
799		MORGAN JOHN C. MORGAN, JR., ESQUIRE	PRO 01/2019	ATY 100.00		0.00 0.00	5,223.00 5,223.00	3,572.00 3,572.00	3,572.00 0.00	0.00 0.00
Trustee Administrative Fees								988.10	988.10	
TOTALS:						938.07 8,615.57	39,882.10 59,959.82	35,041.94 30,864.68	16,778.04 0.00	14,086.64 0.00
	ADMIN	ATTORNEY	PRIORITY	SECURED	UNSECURED	OTHER				
SCHED AMOUNT:	0.00	5,223.00	115.00	21,701.58	32,920.24	0.00				
CLAIM AMOUNT:	0.00	3,572.00	258.98	21,701.58	4,344.02	0.00				
PAID BY TRUSTEE:	0.00	3,572.00	0.00	12,217.94	0.00	0.00				
PAID BY 3rd PARTY:	0.00	0.00	0.00	0.00	0.00	0.00				
SUB TOTAL:	0.00	0.00	258.98	9,483.64	4,344.02	0.00	DUE CREDITORS:	14,086.64		
INTEREST DUE:	0.00	0.00	0.00	0.00	0.00	0.00	EXPECTED ADMIN:	1,564.07		
CONTINUING:	0.00	0.00	0.00	0.00	0.00	0.00	LESS AVAILABLE:	10.00		
BALANCE DUE:	0.00	0.00	258.98	9,483.64	4,344.02	0.00	APPROX BALANCE:	15,640.71		

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